

REMARKS

In response to the Final Office Action mailed on January 25, 2010, Applicants respectfully requests reconsideration. Claims 21-27, 30-36 and 39 are now pending in this Application. Claims 21 and 30 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 21 and 30 have been amended and claims 28, 29, 37 and 38 have been cancelled.. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 21-23, 26-32 and 35-39 stand rejected under 35U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,772,207 to Dorn et al. (hereinafter Dorn) and U.S. Patent No. 6,493,749 to Paxhia et al (hereinafter Paxhia) and further in view of U.S. Patent No. 6,111,945 to Goel (hereinafter Goel). Claims 24 and 33 stand rejected under 35U.S.C. §103(a) as being unpatentable over Dorn, Paxhia, Goel and further in view of U.S. Patent No. 6,101,539 to Kennelly (hereinafter Kennelly). Claims 25 and 34 stand rejected under 35U.S.C. §103(a) as being unpatentable over Dorn, Paxhia, Goel and further in view of U.S. Patent No. 5,692,030 to Teglovic (hereinafter Teglovic). Applicants respectfully disagrees with these contentions and assert that the present claimed invention is not anticipated by any disclosure in the above-cited references.

The Examiner cannot use the claims as a shopping list to locate one prior art reference for one element and another prior art reference for another element and then simply combine the poor art references to make a rejection. When it first established the requirement of demonstrating a teaching, suggestion, or motivation to combine known elements in order to show that the combination is obvious, the Court of Customs and Patent Appeals captured a helpful insight. See Application of Bergel, 292 F. 2d 955, 956–957 (1961). As is clear from cases such as Adams, **a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was,**

independently, known in the prior art. Although common sense directs one to look with care at a patent application that Claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the Claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and Claimed discoveries almost of necessity will be combinations of what, in some sense, is already known. [Emphasis added] *KSR*, 82 USPQ2d at 1396.

Claims 28, 29, 37 and 38 have been cancelled without prejudice. Claim 21 has been amended to include the limitations of claim 28. In the rejection of claim 28 the Examiner stated that Dorn teaches the elements of claim 28 (wherein each of the links correspond to a uniform resource locator (URL), and the graphical user interface prepares each URL by prepending an IP address of the switch to a predefined web-page location) but fails to cite where in Dorn this is taught.

Under the Office's policy of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. (MPEP §707.07(g)). It is submitted that the present application is not sufficiently informal, does not present an undue multiplicity of claims, or exhibit a misjoinder of inventions, so as to reasonably preclude a complete action on the merits. Thus, it is submitted that the Office's failure constitutes a failure to expeditiously provide the information necessary to resolve issues related to patentability that prevents the Applicants from, for example, presenting appropriate patentability arguments and/or rebuttal evidence. (See The Official Gazette Notice of November 7, 2003). Additionally, it is submitted that the Office's failure needlessly encourages piecemeal prosecution, which is to be avoided as much as possible. (MPEP §707.07(g)). Accordingly, in the event that the Office maintains the rejection of

any of the independent or dependent claims, Applicants respectfully requests, in the interests of compact prosecution, that the Office apply art against each feature of each rejected independent claim, on the record, and with specificity sufficient to support a prima facie case of anticipation.

Notwithstanding the above, the Examiner asserts that Dorn teaches "...the IP address of the switch must prepending (sic) to web page location in order to access switch information by click (sic) on switch". Applicants disagree with the Examiner's assertion. Dorn teaches away from this statement at column 4, lines 37-41 which recites "[T]ypically, these steps are accomplished when user **110** types in a Uniform Resource Locator (URL) which is used by the browser **122** to access device **106**. The URL will usually consist of the protocol and the switch host name...". Thus, in contrast to the Examiner's assertion, Dorn teaches manually typing in the URL of the device to access the device. The other prior art of record also fails to disclose or suggest the limitation wherein each of the links correspond to a uniform resource locator (URL), and the graphical user interface prepares each URL by prepending an IP address of the switch to a predefined web-page location. Accordingly, amended claim 21 is believed allowable over the art of record. Claim 30 has been amended in a similar manner as claim 21 and is believed allowable for at least the same reasons as claim 21. The remaining dependent claims depend from claim 21 or 30 and are believed allowable as they depend from a base claim which is believed allowable.

In view of the above, the Examiner's rejection are believed to have been overcome, placing the dependent claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicants hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an online payment made herewith, please charge any deficiency to Deposit Account No. 50-3735.

-9-

If the submitted papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/David W. Rouille/

David W. Rouille, Esq.
Attorney for Applicants
Registration No.: 40,150
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive, Suite 280
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

Attorney Docket No.: AVA10-21CON

Dated: April 15, 2010